

REMARKS/ARGUMENTS

In view of the amendments and remarks herein, favorable reconsideration and allowance of this application are respectfully requested. A Request for Continued Examination (RCE) is being filed herewith. By this Amendment, claims 21 and 23 are amended and claim 22 is cancelled. Thus, claims 21 and 23 are pending for further examination.

Claims 21-23 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Martin et al. (U.S. Patent No. 5,355,302) in view of Wilder (U.S. Patent No. 5,408,417) and Banks et al. (U.S. Patent No. 5,559,714). This rejection is respectfully traversed for at least the following reasons.

Amended claim 21 recites, *inter alia*, a jukebox system in which a questionnaire is presented, “the answers are saved to the questionnaire response file in the memory and a reward routine for presenting the customer with a reward is processed, after a determination routine has determined whether the questionnaire was completed.” The alleged three-way combination of Martin, Wilder, and Banks does not disclose a similar feature. Thus, the alleged combination does not render obvious claim 21 (or claim 23, which depends therefrom).

Martin discloses a method and apparatus for managing a plurality of computer jukeboxes at different locations from a central station. Each jukebox includes a processor for controlling the computer jukebox, storage and retrieval means for data, display means for selection menus, audio production means for playing musical records, and a user interface enabling patrons to communicate with the processor means. The central station can be used to download musical recording data to each computer jukebox, and each computer jukebox can upload usage data to the central station.

Wilder discloses an automated ticket sales and dispensing system that is customer-operated to provide tickets for various entertainment events, travel, and others products and services.

The Final Office Action admits that Martin and Wilder together do not teach or suggest a features covering a full eight lines of claim 21, and introduces Banks to make up for this admitted deficiency. That is, the Final Office Action admits Martin and Wilder do not teach or suggest a jukebox system in which the display is still further operable to display a questionnaire, different from touch selectable options for selecting songs for playback and touch selectable option for selecting songs for download, comprising one or more questions for gathering customer information, wherein the touch screen is operable comprising one or more questions for gathering customer information, wherein the touch-screen is operable to accept customer input corresponding to the answers to the one or more questions, and wherein the answers are saved to the questionnaire response file in the memory.

Banks discloses a vending machine for displaying and dispensing personalized products including an apparatus for sequentially displaying personalized products of a given type in accordance with prior viewing and sales of each personalized product. This vending machine permits users to personalize products such as greeting cards. After the personalization process is achieved, the personalized product is prepared. The personalized product preparation can include, for example, printing a card. During the preparation period, the customer is asked some marketing and consumer information questions. If time remains, an entertainment video may be presented until the personalized product has been completed and delivered (for example, see col. 7, lines 58-61 of Banks).

From the outset, it is noted that Martin, Wilder, and Banks are unrelated to one another. That is, Martin, Wilder, and Banks are respectively directed to jukeboxes, a ticket sales device, and device for creating personalized products. One of ordinary skill in the art at the time of the invention would not have combined the teachings from such disparate references, at least inasmuch as they have nothing to do with one another. While Wilder and Banks are directed to selling “things” to be touched, held, taken away, and later enjoyed, Martin is directed to reproducing music that is to be heard while within a particular area and sometimes even right away. Indeed, offering a song for playback in a pay-to-play environment is markedly different from offering tickets to shows, and both are different from enabling a user to create personalized items at a kiosk. The resultant combination most likely is the result of improper hindsight.

The alleged combination of Martin, Wilder, and Banks does not teach or suggest displaying a questionnaire when a particular predetermined song is selected. Indeed, Banks discloses that the questionnaire, including marketing and consumer information questions, is displayed while the personalized product purchased by the customer is being prepared. If such a teaching were applied to the alleged Martin/Wilder combination, the questionnaire would be displayed while the user was choosing from among the available songs. Such clearly is different from that which is specifically claimed in claim 21. That is, claim 21 essentially requires the display of the questionnaire to be triggered after a particular selection is made.

Furthermore, the Final Office Action essentially admits that Martin, Wilder, and Banks do not disclose providing a reward for filling out a questionnaire, and merely asserts that doing so would be obvious. While giving out an award for filling out a questionnaire might be known in some arts, it certainly is not known for jukeboxes. Indeed, as noted above, the Final Office Action has not provided any indication of a questionnaire actually being provided via a jukebox.

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Moreover, it is difficult to provide rewards via conventional jukeboxes, which operate on coins and do not really interact with patrons other than to provide songs for playback. Such surely argues against giving out an award in response to a questionnaire being completed via a jukebox, as specifically claimed.

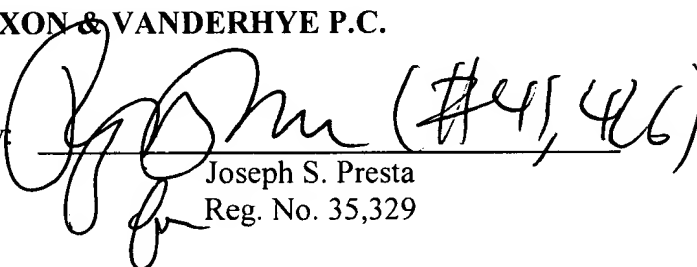
As such, Applicant respectfully submits that claim 21 (and claim 23, which depends from claim 21) is not rendered obvious by the alleged three-way combination of Martin, Wilder, and Banks. Thus, reconsideration and withdrawal of the outstanding Section 103 rejection are respectfully requested.

In view of the foregoing amendments and remarks, withdrawal of the rejections and allowance of this application are earnestly solicited. Should the Examiner have any questions regarding this application, or deem that any formalities need to be addressed prior to allowance, the Examiner is invited to call the undersigned attorney at the phone number below.

Respectfully submitted,

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